



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/684,804

10/15/2003

Brian F. Hershkowitz

02776-0109

1691

22428 7590 10/29/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

WILLIAMS, MAURICIO E

ART UNIT

PAPER NUMBER

4124

MAIL DATE

DELIVERY MODE

10/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/684,804

Applicant(s)

HERSHKOWITZ ET AL.

Examiner

Mauricio E. Williams

Art Unit

4124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Office Action**

### ***Status of Claims***

1. Claims 1-17 have been examined.

### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program *per se* "program product" doesn't fall in one of the four categories. The descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2002/0035520 to (Weiss) Weiss et al. in view of U.S. Patent No. 5,274,547 Zoeffel et al. (Zoeffel).

In Reference to Claim 1

Weiss teaches:

A method of generating a report (adjusted equity loan information, paragraph [0092]) for use in assessing the credit worthiness of a borrower in a potential financing transaction (AAEL, paragraph [0086,0092]) with a lender (lender, paragraph [0088]), comprising the steps of:

obtaining personal credit information (credit reporting or rating information, paragraph [0087]) about said borrower (client, paragraph [0092]) from a credit reporting services (third party systems, paragraph [0087]);  
matching said borrower's address (client address) with a property (subject property) in a database (DB 161) containing property information (relevant information, paragraph [0081]), and obtaining property information pertaining to said matched property from said database (see paragraphs [0081, 0091]);

obtaining value information about said matched property (valuation of the subject property, paragraph [0081]);

aggregating said combined credit information about said borrower, said property information pertaining to said matched property and said value information pertaining to said matched property (step 258 , paragraph [0092]); and generating said report (adjusted equity loan information, paragraph [0092]) from said aggregated data.

However, Weiss does not explicitly teach:

Obtaining personal credit information about said borrower from a plurality of credit reporting services and combining said credit information, and aggregating the combined credit information.

Zoeffel teaches:

Obtaining personal credit information about said borrower from a plurality of credit reporting services (credit repositories) combining (data merging) said credit information (see col. 3 lines 11-29), in order to acquire credit information from multiple repositories of credit information, eliminate duplicate items, and selecting the most accurate of different versions of the same items (col. 3, lines 58-61).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have substituted the third party credit reporting system information of Weiss with the combined credit information of Zoeffel in order to acquire credit information from multiple repositories of credit information, eliminate duplicate items, and selecting

Art Unit: 4124

the most accurate of different versions of the same items as explicitly taught by Zoeffel.

When Weiss is modified by Zoeffel, the combined credit information would then be aggregated rather than the third party credit reporting system information.

In Reference to Claim 2

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein said step of obtaining personal credit information about said borrower includes connecting to and collecting information from at least three credit reporting agencies (see Zoeffel col.3, lines 18-22).

In Reference to Claim 3

Weiss as modified by Zoeffel teaches:

A method according to claim 2 (see rejection of claim 2 above), wherein said collecting of information from at least three credit reporting agencies is done in parallel (see Zoeffel, col. 7, lines 1-10, Fig. 1, No. 30, 32, 34, Fig.3 Step 4).

In Reference to Claim 4

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein the step of obtaining property information pertaining to said matched property from said database includes at least one of an assessed value, a legal

description, a number of bedrooms, a number of bathrooms and a type of construction of the matched property (see Weiss para 25, 38, 41).

In Reference to Claim 5

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein the step of matching said borrower's address with a property in a database further comprises selecting a database containing public record information on real property (see Weiss para 25).

In Reference to Claim 6

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein the step of obtaining value information about said matched property includes generating said value information using at least one of an assessed value, an appraised value of said matched property and historic valuation data of said matched property (see Weiss para 25,34).

In Reference to Claim 7

Weiss as modified by Zoeffel teaches:

A method according to claim 2 (see rejection of claim 2 above), wherein the step of aggregating includes combining the personal credit information

Art Unit: 4124

collected from said at least three credit reporting agencies with said property information pertaining to said matched property and said value information pertaining to said matched property (see Zoeffel col. 3 lines 18-28).

In Reference to Claim 8

Weiss as modified by Zoeffel teaches:

A method according to claim 1 (see rejection of claim 1 above), further comprising a final step of communicating said report to a customer (see Zoeffel col. 3 lines 31-34, Fig. 3 Step 7) *and Weiss para [0093] step 264* *NS*

In Reference to Claim 9

Weiss as modified by Zoeffel teaches:

A report generated by the method of claim 1 (see Zoeffel col. 3 lines 31-34, Fig. 3 Step 7). This is read as a product-by-process claim. Since claim 9 is *NS* supposedly dependent on Claim 1, there is no information showing how to make a report in claim 1.

6. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2002/0035520 to (Weiss) Weiss et al. in view of U.S. Patent No. 5,274,547 Zoeffel et al. (Zoeffel).



Art Unit: 4124

In Reference to Claim 10

Weiss teaches:

A program product for generating a report (Fig. 1A, 1B and 1C, paragraph 0024, adjusted equity loan information, paragraph [0092]) for use in assessing the credit worthiness of a borrower (client, paragraph [0092]) in a potential financing transaction (AAEL, paragraph [0086,0092]) with a lender (lender, paragraph [0088]), said product comprising machine-readable program code(AAEL, para. 0029) for causing, when executed, a machine to perform the following method steps:

obtaining personal credit information (credit reporting or rating information, paragraph [0087]) about said borrower (client, paragraph [0092]) from a credit reporting services (third party systems, paragraph [0087]); matching said borrower's address (client address) with a property (subject property) in a database (DB 161) containing property information (relevant information, paragraph [0081]), and obtaining property information pertaining to said matched property from said database (see paragraphs [0081, 0091]);

obtaining value information about said matched property (valuation of the subject property, paragraph [0081]);

aggregating said combined credit information about said borrower, said property information pertaining to said matched property and said value information pertaining to said matched property (step 258 , paragraph [0092]);

Art Unit: 4124

and generating said report (adjusted equity loan information, paragraph [0092]) from said aggregated data.

However, Weiss does not explicitly teach:

Obtaining personal credit information about said borrower from a plurality of credit reporting services and combining said credit information, and aggregating the combined credit information.

Zoeffel teaches:

Obtaining personal credit information about said borrower from a plurality of credit reporting services (credit repositories) combining (data merging) said credit information (see col. 3 lines 11-29), in order to acquire credit information from multiple repositories of credit information, eliminate duplicate items, and selecting the most accurate of different versions of the same items (col. 3, lines 58-61).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have substituted the third party credit reporting system information of Weiss with the combined credit information of Zoeffel in order to acquire credit information from multiple repositories of credit information, eliminate duplicate items, and selecting the most accurate of different versions of the same items as explicitly taught by Zoeffel. When Weiss is modified by Zoeffel, the combined credit information would then be aggregated rather than the third party credit reporting system information.

Art Unit: 4124

In Reference to Claim 11

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10 above), wherein said step of obtaining personal credit information about said borrower includes connecting to and collecting information from at least three credit reporting agencies (see Zoeffel col.3, lines 18-22).

In Reference to Claim 12

Weiss as modified by Zoeffel teaches:

A program product according to claim 11 (see rejection of claim 11 above), wherein said collecting of information from at least three credit reporting agencies is done in parallel (see Zoeffel, col. 7, lines 1-10, Fig. 1, No. 30, 32, 34, Fig.3 Step 4).

In Reference to Claim 13

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10 above), wherein the step of obtaining property information pertaining to said matched property from said database includes at least one of an assessed value, a legal description, a number of bedrooms, a number of bathrooms and a type of construction of the matched property (see Weiss para 25, 38, 41).

Art Unit: 4124

In Reference to Claim 14

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10 above); wherein the step of matching said borrower's address with a property in a database further comprises selecting a database containing public record information on real property (see Weiss para 25).

In Reference to Claim 15

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10 above), wherein the step of obtaining value information about said matched property includes generating said value information using at least one of an assessed value, an appraised value of said matched property and historic valuation data of said matched property (see Weiss para 25,34).

In Reference to Claim 16

Weiss as modified by Zoeffel teaches:

A program product according to claim 11 (see rejection of claim 11 above), wherein the step of aggregating includes combining the personal credit information collected from said at least three credit reporting agencies with said property information pertaining to said matched property and said value information pertaining to said matched property (see Zoeffel col. 3 lines 18-28).

Art Unit: 4124

In Reference to Claim 17

Weiss as modified by Zoeffel teaches:

A program product according to claim 10 (see rejection of claim 10 above), further comprising a final step of communicating said report to a customer (see Zoeffel col. 3 lines 31-34, Fig. 3 Step 7). *and Weiss para[0093] step 264*  
WS

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 6,178,406 B1, Cheetham et al. discusses a method of estimating the value of real property using a single family residence. Attributes and prices between the value of subject and comparable properties are used.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mauricio E. Williams whose telephone number is (571) 270-5051. The examiner can normally be reached on M-F 8:30 a.m. to 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Bomberg can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4124

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mauricio E. Williams  
Patent Examiner

October 12, 2007

  
**KENNETH BOMBERG**  
**SUPERVISORY PATENT EXAMINER**